

REMARKS

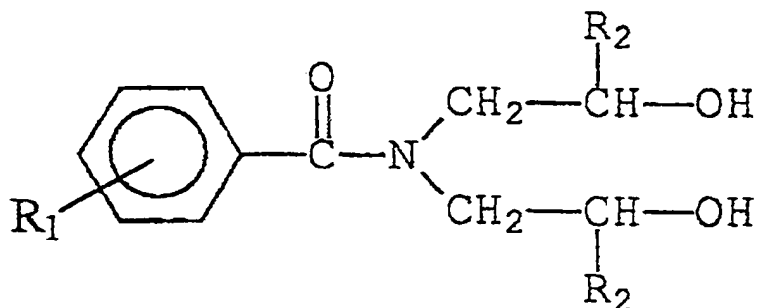
Responsive to the outstanding Office Action, applicant has carefully studied the Examiner's rejections and the comments relative thereto. A three month request for extension of time is being submitted herewith. Favorable reconsideration of the application is respectfully requested in light of the amendments and following detailed arguments.

In this response, claims 11-14 have been cancelled, and claims 15-17 have been added. It is respectfully submitted that no new matter was presented in this amendment.

In the previous Office Action, the Examiner indicated that claims 11-14 were objected to by the Examiner as being dependent on a rejected base claim but were indicated as being allowable if rewritten in independent form, containing the limitations of their respective base claims and any intervening claims. In the previous response, claims 11 and 12 were amended to include the subject matter of claim 1, from which they directly depended, and claim 13 was amended to include the subject matter of claims 1, 4 and 10, from which it depended.

However, in the Examiner's most recent action, the Allowability of those claims has been withdrawn, and claims 10-14 have been rejected under 35 USC §102(b) as being anticipated by delle Valle et al. (US 5,506,224) and under 35 USC §103 as being unpatentable over delle Valle et al.

In response thereto, the applicant has amended the claims to show a method of utilizing a  $\beta$ -hydroxyalkylamide having the general formula:



wherein  $R_1$  is H or a linear or branched  $C_1$  to  $C_{10}$  alkyl and  $R_2$  is a linear or branched  $C_1$  to  $C_5$  alkyl to cross-link a polymer. It is respectfully submitted that the above is a proper method claim as indicated by the Board of Patent Appeals and Interferences in 1992, in the case *ex Parte Porter*, 25 USPQ2d 1144, 1147 (Bd.App. 1992).

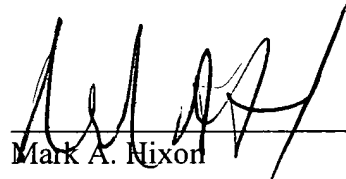
The previously pending claims were rejected under both 35 USC §102 and 35 USC §103 as being anticipated by, or as unpatentable over, delle Valle et al. In both of the rejections, the Examiner notes that the reference to a cross-linker for polymers is in the preamble, and is thus not distinguishing, as the Examiner opines that the compound of delle Valle anticipates and/or renders obvious that of the present invention.

The new claims have been presented as method claims, claiming a process of cross-linking polymers utilizing the compound claimed. The delle Valle reference shows the use of N-acyl derivative of hydroxyamines as the active ingredients for preparing pharmaceutical compositions for the treatment of autoimmune pathologies. It is respectfully submitted that delle Valle in no way shows a utilization of the claimed compound for the cross-linking of polymers. Therefore, it is respectfully submitted that the newly presented claims are novel and non-obvious in view of the cited reference.

Based on the above, it is respectfully submitted that claims 15-17 are allowable over the applied art of record, and action towards that end is respectfully requested.

Should the Examiner wish to modify any of the language of the claims, applicants' attorney suggests a telephone interview in order to expedite the prosecution of the application.

Respectfully submitted,

  
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Mark A. Nixon  
Registration No. 44,766

ATTORNEYS

Marshall & Melhorn, LLC  
Four SeaGate - 8th Floor  
Toledo, Ohio 43604  
(419) 249-7114  
(419) 249-7151 Facsimile